

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
to Ensure Compatibility with Enhanced	)	
911 Emergency Calling Systems	)	
	)	

**D&E/OMNIPOINT WIRELESS JOINT VENTURE, L.P.'s (d/b/a PCS ONE)  
SUPPLEMENTAL FILING IN SUPPORT OF ITS PETITION FOR WAIVER  
OF THE E-911 PHASE II LOCATION TECHNOLOGY IMPLEMENTATION RULES**

**I. INTRODUCTION**

D&E/Omnipoint Wireless Joint Venture, L.P., d/b/a PCS One ("PCS One"),<sup>1</sup> by its undersigned counsel, and pursuant to Section 1.3 of the rules of the Federal Communications Commission ("FCC" or "Commission") and two Public Notices issued by the Commission in the above-referenced docket,<sup>2</sup> hereby submits this Supplemental Filing in Support of its June 20, 2001, Petition for Waiver of the E-911 Phase II location technology implementation rules.<sup>3</sup>

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<sup>1</sup> PCS One, a Personal Communications Services ("PCS") licensee that operates a telecommunications service network in south central Pennsylvania, is a joint venture, fifty percent owned by VoiceStream Wireless ("VoiceStream") and fifty percent owned by D&E Communications, Inc. By application for consent to transfer of control filed with the Commission on November 7, 2001, VoiceStream proposes to own 100% of PCS One, upon consummation of the transaction contemplated in the applications. See File No. 0000652750 and 0000652917.

<sup>2</sup> *Commission Establishes Schedule for E911 Fourth Memorandum Opinion and Order*, Public Notice, FCC 01-302 (rel. October 12, 2001); *Wireless Telecommunications Bureau Provides Guidance on Filings by Small and Mid-Sized Carriers Seeking Relief From Wireless E911 Phase II Automatic Location Identification Rules*, Public Notice, CC Docket No. 94-102, DA-01-2495 (rel. October 19, 2001).

<sup>3</sup> See 47 C.F.R. § 20.18(e)-(h).

In its Petition for Waiver, PCS One seeks a waiver of the E-911 Phase II location technology implementation rules to permit it to deploy on the PCS One network a hybrid E-911 location solution using both network-based and handset-based technology identical to the technology referenced by VoiceStream in its various *ex parte* presentations to the Commission.<sup>4</sup> Pursuant to the *ex parte* presentations, the Commission conditionally granted a limited waiver of the E-911 Phase II location technology implementation rules to VoiceStream on September 8, 2000.<sup>5</sup> Since the filing of PCS One's Petition for Waiver, VoiceStream, through a wholly-owned subsidiary, has entered into an agreement to increase its ownership of PCS One to one hundred percent (100%). Upon FCC approval and consummation, PCS One will be a wholly-owned subsidiary of VoiceStream.

As explained in detail in the initial Petition for Waiver, PCS One's network utilizes the same Global System for Mobile Communications ("GSM") technology described in the VoiceStream waiver process. PCS One uses the same network and handset equipment as VoiceStream and purchases almost all of its network equipment from the same supplier, Nortel Networks ("Nortel"), as VoiceStream. Moreover, PCS One's network is almost entirely geographically surrounded by systems that are part of VoiceStream's network, and portions of the two companies' networks are technically integrated in certain areas in order to facilitate the handoff of calls between the PCS One network and the VoiceStream network, as appropriate. Upon grant of the applications for transfer of control, VoiceStream, through its wholly-owned

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<sup>4</sup> Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, released September 8, 2000, *petition for reconsideration pending* ("VoiceStream Waiver"), at ¶ 55.

<sup>5</sup> VoiceStream Waiver at ¶ 55.

subsidiary, will own all of PCS One. PCS One's network will become fully integrated with VoiceStream's network and, most likely will be included in the VoiceStream waiver request, if it remains in effect at closing.

The VoiceStream Waiver allows VoiceStream to implement a technology called Enhanced Observed Time Difference of Arrival ("E-OTD"), which requires software updates to handsets and associated network upgrades. In granting the waiver, the Commission observed that VoiceStream "faces special circumstances, as it appears that the NSS/E-OTD approach may be the only ALI solution available in the near term for GSM systems."<sup>6</sup> Moreover, the Commission found that VoiceStream's E-OTD proposal "represents a promising approach that may offer significant public safety benefits."<sup>7</sup> Thus, as demonstrated in the Petition for Waiver, the rationale for granting VoiceStream's waiver request applies with equal force to PCS One.

By this Supplement, PCS One provides information regarding: (1) its efforts at compliance with the E-911 Phase II implementation rules; (2) its proposed plan for implementing E-911 Phase II capabilities; (3) its history of compliance with the E-911 Phase I implementation rules; and (4) existing requests for E-911 Phase II service from local Public Safety Answering Points ("PSAPs").

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<sup>6</sup> VoiceStream Waiver at ¶ 55.

<sup>7</sup> VoiceStream Waiver at ¶ 56.

## II. DISCUSSION

### A. Efforts to Comply with the E-911 Phase II Rules

PCS One took diligent and reasonable steps to attempt to comply with the Commission's E-911 Phase II implementation rules before seeking the instant waiver. It quickly became apparent to PCS One, however, that compliance with the implementation schedule set forth in the rules was impossible, largely because the network equipment and hardware necessary to provide the automatic location identification capabilities in accordance with the Commission's required standards was simply not available. For example, in early 2001, PCS One was informed by Nortel, PCS One's sole equipment supplier, that Nortel would not be able to supply the necessary equipment until after the October 1, 2001 E-911 Phase II implementation date.

Moreover, at a Cellular Telecommunications and Internet Association ("CTIA") convention in March 2001, PCS One representatives searched for potential suppliers of E-911 Phase II equipment and met with several potential suppliers. None of these, however, was able to offer E-911 Phase II equipment that could be integrated into PCS One's GSM system before the October 1, 2001 implementation deadline. Interestingly, one of these companies, Cambridge Positioning Systems ("CPS"), developed the E-OTD technology that VoiceStream is now testing. The E-OTD technology exhibited at the CTIA convention by CPS, however, was in its earliest development stage and would not have been ready for commercial use by the October 1, 2001 deadline. In any event, as PCS One explains in its Petition for Waiver, as a regional telecommunications services provider, PCS One would have great difficulty persuading any equipment supplier to devote the considerable resources required to develop the technology. Voice Stream, on the other hand, has the size and purchasing power, domestically and abroad, to

influence suppliers to develop and implement E-OTD. PCS One joined forces with VoiceStream. Having hitched its E-911 star to VoiceStream's wagon, PCS One was compelled to seek waiver in concert with VoiceStream when it appeared that vendor supply problems would delay implementation. Grant of the VoiceStream waiver to PCS One would enable PCS One to implement the E-OTD technology on the schedule approved by the Commission in the VoiceStream Waiver, in cooperation with VoiceStream.

B. Proposed E-911 Phase II Implementation Plan

As is explained in its Petition for Waiver, PCS One is fifty percent owned by VoiceStream. It employs the same GSM technology as VoiceStream. It uses the same network equipment and handset vendors as VoiceStream. PCS One's network is geographically surrounded by and largely integrated with VoiceStream's network. Upon closing of the pending transfer of control, PCS One will become a wholly-owned subsidiary of VoiceStream. Thus, PCS One will be able to implement Phase II capability on the same schedule as VoiceStream, but not any earlier. Accordingly, in the Petition for Waiver, PCS One requests that the Commission grant PCS One the same implementation schedule granted to VoiceStream in the VoiceStream Waiver, as that implementation schedule may be amended from time to time.

In October 2001, VoiceStream submitted its Third Semi-Annual Report of VoiceStream Corporation on its E911 Implementation Plan, in which it describes the substantial progress made in developing and testing E-OTD, but also explains that vendor delays and other problems outside of VoiceStream's control have made it impossible to meet all of the implementation deadlines imposed in the VoiceStream Waiver. PCS One will suffer the same delays. To the extent the Commission amends VoiceStream's implementation schedule, PCS One requests that the same amendments be granted to PCS One.

C. Compliance with E-911 Phase I Rules

Under the Commission's E-911 Phase I implementation rules, which took effect in 1998, carriers must provide PSAPs with the telephone number of the originator of a 911 call and the location of the cell site or base station receiving the call.<sup>8</sup> PCS One is currently capable of providing Phase I service within six months to any PSAP making a valid request for such service. To date, a valid request has been received from the Lancaster County, Pennsylvania PSAP -- Lancaster County-Wide Communications -- and PCS One is providing Phase I service to that PSAP. Earlier this year, the York County, Pennsylvania PSAP -- York County 911 Communications -- made a request for Phase I service. Although PCS One promptly ordered the access trunks from the local exchange carrier and made the service available, the York County PSAP apparently does not yet have the capabilities to utilize Phase I service and has, therefore, not connected the access lines to its system. Nevertheless, when the York County PSAP is capable of receiving and using Phase I information, PCS One will immediately begin providing the service. PCS One is not aware of any complaints made by any PSAPs regarding PCS One's compliance with either the Phase I or the Phase II E-911 rules.

D. Pending Phase II Requests from Local PSAPs

To date, PCS One has received only one request from a PSAP for Phase II service, which was submitted by the York County PSAP on April 10, 2001. There are serious questions, however, regarding whether the York County request is a valid request in light of recent FCC rulings on what constitutes a valid E-911 request.<sup>9</sup> In any event, regardless of the validity of the York

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<sup>8</sup> See 47 C.F.R. § 20.18(d).

<sup>9</sup> See *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, Order, FCC 01-293, CC Docket No. 94-102 (rel. October 17, 2001).

County Phase II request, the current unavailability of the required equipment and software to provide Phase II service makes it impossible for PCS One to comply with this Phase II request until the E-OTD technology is available. Accordingly, PCS One seeks the instant waiver so that it will not be subject to FCC sanctions for its unavoidable inability to comply with the York County request at this time.

### III. CONCLUSION

As explained above, PSC One submits this Supplemental Filing in response to Commission requests for additional information and to assist the Commission in ruling upon PCS One's Petition for Waiver. As PCS One explains in its Petition for Waiver, in its Reply Comments<sup>10</sup> and in this Supplemental Filing, circumstances beyond PCS One's control prevent it from meeting the Commission's Phase II schedule. However, due to the research and development efforts of VoiceStream and its vendors, promising Phase II technology is being developed and Phase II service will be offered to the public as soon as possible. Thus, PCS One respectfully submits that it is in the public interest for the Commission to grant to PCS One a waiver of the E-911 Phase II implementation rules.

Respectfully submitted,

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Richard Rubin, Esq.  
Daniel E. Pollner, Esq.  
*Counsel for D&E/Omnipoint Wireless  
Joint Venture, L.P., d/b/a PCS One*

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.  
1676 International Drive – Penthouse  
McLean, Virginia 22102  
(703) 891-7500  
(703) 891-7501 (fax)  
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<sup>10</sup> PCS One filed Reply Comments in support of its Petition for Waiver on August 6, 2001.

